

REMARKS

Amendments

Claim 1 has been amended to contain a limitation previously found in claim 6. Amended claim 1 also now contains a feature that was included in the specification as initially filed. This feature indicates that a specific “watched” flag is created for each part of an event that was watched by the user and that billing takes into account those specific flags.

Prior Art

In the field of pay-TV, and more precisely in the acquisition of pay-per-view events, the known prior art methods require the payment of an amount corresponding to the price of the pay-per-view event prior to the sending of decryption or descrambling keys that enable the subscriber to access to the event. Once this payment is registered, the keys are sent, for example in Entitlement control messages (ECM) containing control words. The event is then broadcasted as usual.

As the payment has to be done prior to the reception of the keys (or control words), a subscriber purchasing a pay-per-view event a few minutes or seconds before the beginning of the broadcasting of this event would receive the keys after the beginning of the event. If the number of subscribers requesting the same event is important, the limitation of the available broadband would lengthen the time between the subscriber's request and the reception of the control words. Thus, the decryption keys could be available to a subscriber a long time after the purchased event has begun to be broadcasted.

Kauffman (US 4,710,955)

view events, this method obviating the drawback of the above-mentioned prior art methods. More specifically, this method is directed to non-real time billing for such events.

In Kauffman, the subscriber's set top box (STB) contains a credit. When this subscriber requests an event, the credit is decremented from the price of the event. It is thus not necessary to establish a communication between the subscriber and a management center prior to obtaining the descrambling keys. The headend can interrogate the cable television converter to obtain information indicative of pay-per-view programs ordered by the subscriber.

Thanks to the method described in Kauffman, a subscriber is able to purchase pay-per-view events as late as a few minutes before the beginning of this event. He will receive the rights to access to this event regardless of the number of subscriber requesting this event and regardless of the available broadband.

Two problems remain after Kauffman. On one hand, if an event is purchased, it is billed even if the subscriber does not really watch this event. This could be considered to be unfair by the subscriber and refrain him from purchasing pay-per-view events.

The second problem concerns the billing operation. In fact, the billing operation contains two steps. The first one consists of sending the amount of "consumed events" to a management center that gathers this information for each individual subscriber. As mentioned in col. 13, line 67 – col. 14, line 3 of Kauffman, this can be done on a periodic basis, e.g., monthly. As written in col. 5, lines 40-43, the "controller means can provide means for storing billing data retrieved from converters for use in subsequent billing of subscribers for pay-per-view programs that were ordered."

The second billing operation step consists of sending the bill to the subscriber. This issue is neither addressed nor mentioned in Kauffman. From col. 4, lines 1-2 of Kauffman, one could assume that this second step is performed on a periodic basis, e.g., monthly.

In prior art documents, the second step of the billing operation, which consists in sending the bill to the subscriber, is always done on a periodic basis. The period is generally defined in advance and is the same for each user or subscriber. In case a subscriber purchases very few pay-per-view events, he will receive invoices with a very low amount. This generates expenses that can be higher than the amount of the invoice.

On the other hand, if a subscriber consumes very many pay-per-view events, if an invoice is not paid, this will generate important losses for the pay-TV provider. Thus, there is a need for a method that lowers the risk for the pay-TV provider if the bills are not paid and that generates invoices only when a minimal amount is reached. Kauffman provides no solution for this problem.

Accordingly, Kauffman does not solve both of the mentioned problems, i.e., the “non-billing” of unwatched events and the billing on a non-periodic basis.

Russo (US 5,619,247)

Russo describes a method and a device for storing audio/video events in scrambled form. Billing occurs only when and if the subscriber enjoys the event substantially in its entirety.

In order to descramble an audio/video file and to enjoy the event, it is necessary to obtain a descrambling key. This key is sent, in connection to a debit, to the subscriber who requests it.

This document does not deal with pay-per-view events that can be ordered very shortly before the beginning of the event. It only deals with events that are stored, in an encrypted form, on a support. The problem of billing only the watched events is solved, but not in the context of the present invention. According to the Russo invention, it is not possible to solve the above-mentioned problem of the prior art, i.e., purchasing an event a few minutes before the beginning of the broadcasting.

Concerning the second step of the billing operation, i.e., sending the bill to the subscriber, this step is not mentioned in Russo. Thus nothing enables one to deduce how to perform this operation and nothing would lead the man skilled in the art to perform it another way than the usual way, i.e., on a periodic basis.

Combination of Kauffman and Russo

According to the Examiner, claim 6 is obvious over Kauffman in view of Russo. Kauffman, as well as the invention of the present application concerns a pay-per-view method in which events can be purchased very shortly before the beginning of the broadcasting. Russo does not meet this requirement at all, as the content has to be stored on a medium. Thus, a man skilled in the art would not use Russo to solve a problem that is specific to a pay-per-view method. However, even if Russo is used, the second step of the billing operation is not mentioned in Russo. Thus an essential feature of the present application, namely an individual billing based on the individual consumption of each subscriber, cannot be deduced from Kauffman in view of Russo.


Conclusion

There is no single document and no combination of documents that contain all the essential features of the pending application:

- enabling the purchase of pay-per-view events
- the events can be purchased shortly before the beginning of the broadcasting
- the events can be billed after being viewed
- only the watched/partially watched events are billed/partially billed
- the bill is issued to the subscriber at a time that is dependent on the subscriber's rate of consumption.

Accordingly, claim 1, as amended, is both novel and inventive over Kauffman and Russo. As claims 2 to 7 depend on amended claim 1, they are also now novel and inventive over Kauffman and Russo.

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